



CR-6880-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-6880-2024

Date of decision : 27.11.2024

Tilak Raj

... Petitioner

Versus

Maya Devi and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms.Satpreet Grewal Kapila, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 11.10.2024 passed by the Civil Judge (Jr.Div.), Hoshiarpur, vide which the evidence of the petitioner has been closed.

2. Learned counsel for the petitioner has submitted that the petitioner is the plaintiff in the present case, who has filed a suit for recovery of Rs.8,39,000/- along with interest and thus, delay in the suit, if any, would prejudice the petitioner. It is submitted that although the petitioner has not been fully vigilant in following the case, but has highlighted that on 05.01.2023 an application was filed by defendant no.1 under Order 7 Rule 11 CPC which was decided on 01.02.2023. It is further submitted that on 08.11.2023, PW-1 Tilak Raj has been examined in chief

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but his cross-examination was deferred on the request of counsel for the defendants-respondents and thereafter on 01.12.2023, again the cross-examination of the said witness was deferred on account of non-availability of defendants counsel. It is submitted that again on 21.02.2024, PW1 Tilak Raj was present but on the request of counsel for defendants, the case was adjourned. It is argued that on 09.07.2024, the defendants were proceeded against ex-parte and subsequently, they filed an application for setting aside the ex-parte order on 06.09.2024, which was allowed on 10.09.2024 in view of the statement made by learned counsel for the petitioner. It is submitted that on 11.10.2024, the case was adjourned to 19.11.2024 for the evidence of the defendant but on 19.11.2024, no DW was present and the case is now adjourned to 29.11.2024. It is further submitted that the petitioner would only seek one effective opportunity to lead his entire evidence and in case the same is not granted, then, irreparable loss would be suffered by the petitioner and for the inconvenience caused, the petitioner is ready to adequately compensate the respondents.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that one last effective opportunity should be granted to the petitioner and accordingly, the present petition is partly allowed and the impugned order dated 11.10.2024 is set aside to the extent that the evidence of the petitioner has been closed by order with the following directions:-

- i) The petitioner would deposit an amount of Rs.10,000/- on or before 29.11.2024 and the said amount would be released by the trial Court to respondents no.1 and 2 in equal proportion



i.e., Rs.5000/- each.

ii) On depositing the said amount, the trial Court would grant one effective opportunity to the petitioner to lead his entire evidence. The defendants would be given the right to cross-examine the witnesses produced by the petitioner.

4. It is made clear that in case the said cost is not deposited, then the present petition would be deemed to have been dismissed.

5. In the present case, no notice is being issued to the respondents as issuance of notice to them would further delay the proceedings and would also entail expenses for the respondents to defend the present revision petition. However, it would be open to the respondents to move an application for recalling the present order in case any of the statements made before this Court is found to be false/incorrect.

(VIKAS BAHL)
JUDGE

November 27, 2024.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No